

Remarks

Acceptance/formal entry therefor of this amendment, which, applicants submit, renders the application allowable, is respectfully requested.

Supportive discussion follows.

Applicants note with appreciation the indication that claims 5-28, 30-32, 34-[36] and 40-63 are allowable. As a point of clarification, it is noted that the listing of the allowed claims under Item 5 in the Office Action Summary Sheet (Form PTOL 326) includes an incomplete listing of the allowed claims. In this regard, the detailed action specifically states that "claims 5-28, 30-32, 34-37, 40-63 are allowed." However, since claim 37 is listed as a rejected claim and is specifically addressed as such in the detailed action, it is presumed therefor that claim 37 was inadvertently included in the statement pertaining to the allowed claims. It is clearly evident therefor that when the outstanding Office Action is considered in its entirety, the claims intended to have been included in the listing of Allowed Claims include claims 5-28, 30-32, 34-36 and 40-63.

With the above-made amendments, only allowed claims 5-28, 30-32, 34-36 and 40-63 remain pending. All of the rejected claims (in the outstanding Office Action), i.e., claims 3, 4, 33, 37, 38, 65 and 67, were canceled. Therefore, the previously outstanding art rejection under 35 USC

§103(a) was rendered moot with the canceling of these claims. It is submitted, agreeing to the canceling of the rejected claims 3, 4, 33, 37, 38, 65 and 67 should not be construed as an acquiescence with regard to the merits of the previously outstanding art rejection directed thereto. Rather, the canceling of these claims is being effected, noting that no other apparent issues are outstanding, in consideration of applicants receiving an early formal notification of allowability.

Incidentally, although a number of claims were listed as being "objected to," under Item 7 in the Office Action Summary Sheet (form PTOL 326), no such objection is given under the heading 'Detailed Action,' covering pages 2-6 of the official action. It is clearly apparent therefor that the listings of objected claims in form PTOL 326 was erroneously made. Accordingly, this objected is traversed and withdrawal of the same is respectfully requested. The following discussion additionally pertains thereto.

With regard to the "objected to" claims, since claims 3, 65 and 67 were canceled, any and all prior issue(s) directed thereto was/were rendered moot. Regarding claims 5-16 and 40-53, which were also listed as "objected to" claims in Item 7 of form PTOL 326, this is clearly conflicting with the listing of the same claims as allowed claims (see Item 5 in form PTOL 326 as well as the Detailed Action, in the middle of page 5 under the heading 'Allowable

Subject Matter'). It is evident, therefore, the listing of claims under Item 7 of the Office Action Summary Sheet was erroneously made.

In connection with the preparation of this responsive amendment, applicants undersigned representative telephoned the Examiner in charge of the above-identified application, on even date herewith, and discussed with him briefly the matters addressed above, namely, the inconsistencies regarding the listings of allowed claims between that given in the Office Action Summary Sheet (form PTOL-326) and that stated in the Detailed Action as well as other inconsistencies including with regard to an apparent erroneous listing of "objected to" claims. This telephone call was made by the undersigned representative as a status call to the Examiner concerning the paper filed on August 10, 2004, which requested clarification of the presently outstanding Office Action, concerning the matters presented above. During this brief discussion with the Examiner, applicants undersigned representative agreed, however, to submit a formal response at this time to avoid any further delays with regard to rendering the application allowable since it appears that the earlier matters of concern are rendered moot with the filing of this response.

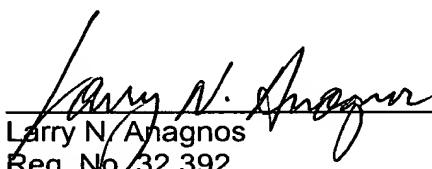
Therefore, having obviated any and all previously outstanding issues, in view of the amendments presented hereinabove together with these

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accompanying remarks, re-affirmation of allowability of claims 5-28, 30-32, 34-36 and 40-63 along with an early formal notification of allowability of the above-identified application is respectfully requested.

To the extent necessary, applicants petition for an extension of time under 37 CFR §1.136. Please charge any shortage in the fees due in connection with the filing of this paper, to the Deposit Account of Antonelli, Terry, Stout & Kraus, LLP, Dep. Acct. No. 01-2135 (0173.37566X00), and please credit any excess fees to such deposit account.

Respectfully submitted,  
**ANTONELLI, TERRY, STOUT & KRAUS, LLP**

  
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Reg. No. 32,392

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